John Carter Brown.

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TRUE STATE

OF THE

PROCEEDINGS

IN THE

PARLIAMENT OF GREAT BRITAIN,

AND IN THE

PROVINCE OF MASSACHUSETTS BAY,

RELATIVE TO

The Giving and Granting the MONEY OF THE PEOPLE of that Province, and of all AMERICA, in the Houſe of Commons, in which they are not repreſented.

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JOHN CARTER BROWN

A

TRUE STATE

OF THE

PROCEEDINGS, &c.

ON the 12th of November 1761, Governor Bernard made the following Speech to both Houſes of Aſſembly, in the Province of Maſſachuſetts Bay:

'At the Opening of this General Court I had the Pleaſure 'to obſerve upon the happy and propitious circumſtances that 'had attended the Commencement of the preſent Reign, and 'particularly the Extinction of Parties, and the general Coali-'tion of all Parties in Support of his Majeſty's Government; 'and I could not but expreſs my earneſt Deſire that the ſame 'patriotic Spirit which influenced Great Britain, might prevail 'throughout his Majeſty's American Provinces, and eſpecially 'in this moſt ancient and *moſt loyal* of them.

'I was well perſuaded, that while I was ſpeaking to you on 'this Subject, your Sentiments and mine were the ſame. I 'have been fully confirmed in this, as well by your own De-'clarations, as by your Conduct conſequent thereto; and I 'have now all the Aſſurance that I ſhall be aſſiſted and ſup-'ported by you.

F. BERNARD.'

On the 24th of April 1762, his Excellency made the following Speech to the Two Houſes:

'The Unanimity and Diſpatch with which you have com-'plied with the *Requiſitions of his Majeſty* require my parti-'cular

'cular Acknowledgment, and it gives me additional Pleaſure to 'obſerve, that you have therein acted under no other Influence 'than a due Senſe of your Duty, both as Members of a general 'Empire, and as the Body of a particular Province.

'It will always be my Deſire that Freedom and Indepen-'dance ſhould prevail in your Councils, and that the whole 'Credit of your Proceedings therein ſhould be placed to your 'own Account. It will be a ſufficient Honour for me to pre-'ſide over a People whoſe Motives to Loyalty and Public 'Spirit ariſe from their own Breaſts.

FRA. BERNARD.'

His Excellency again ſpoke as follows to the Two Houſes of Aſſembly on the 27th of May 1762:

'Whatever ſhall be the Event of the War, it muſt be no 'ſmall ſatisfaction to us, that this Province hath contributed 'its full Share to the Support of it. Every Thing that has 'been required of it hath been moſt readily complied with; 'and the Execution of the Powers committed to me, for 'raiſing the Provincial Troops, hath been as full and com-'plete as the Grant of them was. Never before were Regi-'ments ſo eaſily levied, ſo well compoſed, and ſo early in the 'Field, as they have been this Year; the common People 'ſeemed to be animated with the Spirit of the General Court, 'and to vie with them in their Readineſs to ſerve the King.

'The ample Proviſion which has been already made, leaves 'me nothing to aſk for the immediate Service of the King.

FRA. BERNARD.'

The following is a true Copy of the Meſſage which his Majeſty ſent down to the Houſe of Commons every Year, from 1759 till the Concluſion of the War:

GEORGE, Rex. 26° *Dies Aprilis* 1759°.

'His Majeſty being ſenſible of the Zeal and Vigour with 'which his faithful Subjects in North America have exerted 'themſelves in Defence of his Majeſty's juſt Rights and Poſ-'ſeſſions, recommends it to this Houſe to take the ſame into 'Conſideration, and to enable his Majeſty to give them a pro-'per Compenſation for the Expences incurred by the reſpec-'tive Provinces, in the Levying, Clothing, and Pay of the 'Troops raiſed by the ſame, according as the active Vigour 'and ſtrenuous Efforts of the reſpective Provinces ſhall appear 'to merit. *G. R.*'

Upon

Upon which the Houſe reſolved, April 30, 'That a 'Sum not exceeding Two Hundred Thouſand Pounds be 'granted to his Majeſty upon Account, to enable his Majeſty 'to give a proper Compenſation to the reſpective Provinces in 'North America, for the Expences incurred by them in the 'Levying, Clothing, and Pay of the Troops raiſed by the ſame, 'according as the active Vigour and ſtrenuous Efforts of the 'reſpective Provinces ſhall be thought by his Majeſty to merit.'

Similar Reſolutions followed yearly every Meſſage. And though this *Compenſation* did not exceed One Fourth Part of what they expended, they were ſatisfied with theſe moſt honourable of all Teſtimonies, that they had not been backward in contributing their Share towards the general Defence of the Empire.

His Majeſty's Surveyor General of the Northern Diſtrict in America, tranſmitted to the Lords of the Treaſury in 1764, a Charge of Corruption in his Office and Colluſion with Smugglers, ſupported by the Oaths of credible Witneſſes, againſt Governor Bernard; for which the Surveyor General received the Thanks of the Treaſury Board, and Governor Bernard was ſuffered ſtill to hold that Office he had abuſed, and has been admitted as the principal Accuſer and Witneſs againſt the People of the Maſſachuſetts Bay.

On the 10th of March 1764, the Houſe of Commons reſolved, 'That it may be proper to charge certain Stamp Duties 'in the colonies and Plantations:' but did not at that Time form any Bill for the Purpoſe.

On the 5th of April 1764, an Act paſſed for impoſing Duties in America by the Britiſh Parliament, for the Purpoſe of raiſing a Revenue.

In conſequence of theſe Proceedings, the Houſe of Repreſentatives of the Maſſachuſetts Bay came to Reſolutions, 'That the ſole Right of giving and granting the Money of the People of that Province, was veſted in them as their legal Repreſentatives; and that the Impoſition of Duties and Taxes, by the Parliament of Great Britain, upon a People who are not repreſented in the Houſe of Commons, is abſolutely irreconcilable with their Rights. That no Man can juſtly take the Property of another without his Conſent, upon which original Principle the Right of Repreſentation in the ſame Body which exerciſes the Power of making Laws for levying Taxes, one of the main Pillars of the Britiſh Conſtitution, is evidently founded: That the Extenſion of the Powers of the Court of Admiralty within this Province, is a moſt violent Infraction of the Right of Trial by Jury,—a Right which this Houſe, upon the Principles

Principles of their Britiſh Anceſtors, hold moſt dear and ſacred, it being the only Security of the Lives, Liberties, and Property of his Majeſty's Subjects. That this Houſe owe the ſtricteſt Allegiance to his moſt Sacred Majeſty King George the Third,—and that they have the greateſt Veneration for the Parliament.'

In February 1765, a Bill for raiſing a Revenue in America by Duties on Stamps, *&c.* received the Royal Aſſent. Petitions from the ſeveral Aſſemblies of America againſt the paſſing of this Act, were rejected by the Parliament, or not received, on the Pretence of a Rule, that Petitions ſhould not be received againſt a Money Bill, and this was a Money Bill.

Upon the Arrival of this Act in America, every Aſſembly on the Continent came to Reſolutions againſt the Right of impoſing Taxes upon them unrepreſented and without their Conſent. The Houſe of Repreſentatives of the Maſſachuſetts Bay, obſerving the little Attention paid to ſeparate Petitions, reſolved, 'That it was highly expedient there ſhould be a Meeting as ſoon as might be, of Committees from the Houſes of Repreſentatives in the ſeveral Colonies on the American Continent, to conſult on the preſent Circumſtances, and the Difficulties to which they were reduced by the Operation of the late Acts of Parliament for levying Duties on the Colonies, and to conſider of a general Addreſs to his Majeſty and the Parliament, to implore Relief.' Letters were tranſmitted accordingly to the Speakers of the other Aſſemblies, and three Perſons elected to attend a Congreſs on the Part of this Province.

In the mean time ſome Diſturbances aroſe in the Town of Boſton. The Repreſentation of theſe Diſturbances was inflamed with the ſtrongeſt Colouring in various Letters from Governor Bernard to the Lords of Trade, though he knew the Inhabitants had publicly condemned theſe Proceedings, as appears from the following Vote of the Town:

'*At a legal Meeting of the Freeholders and other Inhabitants of the Town of* Boſton, *at* Fanueil Hall, Auguſt 27, Anno Domini 1765.

'The Town having an utter Deteſtation of the extraordinary and violent Proceedings of a Number of Perſons unknown, againſt ſome of the Inhabitants of the ſame, the laſt Night,—Vote unanimouſly, that the Select Men and Magiſtrates of the Town be deſired to uſe their utmoſt Endeavours, agreeable to Law, to ſuppreſs the like Diſorders for the future, and that the Freeholders and other Inhabitants will do every thing in their Power to aſſiſt them therein.

'Voted,

'Voted, That the Inhabitants of this Town will be ready 'on all Occaſions to aſſiſt the Select Men and Magiſtrates in 'the Suppreſſion of all Diſorders of a like Nature that may 'happen, when called upon for that Purpoſe.

'Att. WILLIAM COOPER, Town Clerk.'

In truth, the whole proved to be nothing more than ſome Injury offered to private Property, for which the Aſſembly afterwards voted a Compenſation.

On the 25th of October 1765, there being no Stamp Papers, the Council and Houſe of Repreſentatives, to avoid the miſchievous Conſequences of a total Stop to all public Buſineſs, reſolved, That it might be lawful to do Buſineſs without Stamps.

The Congreſs conſiſting of a Committee of Repreſentatives from ſeveral Provinces, met at New York the 1ſt of October 1765. The Motives and Views with which the Congreſs was called, are thus ſtated by the Houſe of Repreſentatives of Maſſachuſetts Bay: 'Had the Colonies been fully heard by 'the Parliament, it is poſſible their Deciſions with reſpect to 'the *late* Acts for levying Duties and Taxes on the Colonies, 'might have been different. However, the Houſe of Repre-'ſentatives think it their Duty not to ceaſe petitioning, and 'have accordingly, this preſent Seſſions, wrote to the Speakers 'of the ſeveral Houſes of Repreſentatives of the ſeveral Co-'lonies on the Continent, propoſing a Meeting at New York 'on the firſt Tueſday of October next, of Committees of the 'Houſes of Repreſentatives of the ſeveral Colonies, to conſult 'together on their preſent Circumſtances, and the Difficulties 'to which they are and muſt be reduced by the Operation of 'the *late* Acts of Parliament, and to prepare a united, dutiful, 'humble, and loyal Repreſentation of their Condition to his 'Majeſty and his Parliament, imploring Relief. And it is 'humbly hoped, that decent and dutiful Applications for the 'preventing or even altering ſuch Acts of Parliament as they 'apprehend can be made to appear to be grievous, will not be 'thought ſufficient Grounds to charge us with the Want of 'the moſt profound Reſpect for that auguſt Body. In con-'fidence of having free Acceſs to that Fountain of national 'Juſtice, the Houſe reſt aſſured that all neceſſary Relief will 'be afforded, and that the Liberties and Privileges their Con-'ſtituents at preſent enjoy, will remain ſecure.

Signed. SAM. WHITE, Speaker.'

The

The Congreſs ſummoned upon theſe Principles, met and acted upon them. They reſolved, 'That the only Repreſentatives 'of the People of the Colonies are Perſons choſen therein by 'themſelves, and that no Taxes ever have been, or can be, 'conſtitutionally impoſed upon them but by their reſpective 'Legiſlatures. That all Supplies to the Crown being free 'Gifts of the People, it is unreaſonable and inconſiſtent with 'the Principles and Spirit of the Britiſh Conſtitution, for the 'People of Great Britain to grant to his Majeſty the Property 'of the Coloniſts. That it is the indiſpenſable Duty of theſe 'Colonies to the beſt of Sovereigns, to the Mother Country, 'and themſelves, to endeavour, by a loyal and dutiful Ad-'dreſs to his Majeſty, and humble Applications to both 'Houſes of Parliament, to procure the Repeal of the Act for 'granting and applying certain Stamp Duties, of all Clauſes 'of any other Act of Parliament whereby the Juriſdiction of 'the Admiralty is extended, and of the other *late* Acts for the 'Reſtriction of American Commerce.'

They alſo drew up a Petition to the King, in which they ſay, 'Our *Subordinate* Legiſlatures are in Effect rendered uſe-'leſs by the late Acts of Parliament impoſing Duties and 'Taxes on theſe Colonies, and extending the Juriſdiction of 'the Courts of Admiralty beyond its Antient Limit: Sta-'tutes by which your Majeſty's Commons in Great Britain 'undertake abſolutely to diſpoſe of the Property of their Fel-'low Subjects in America without their Conſent, and for the 'Inforcing whereof they are ſubjected to the Determination of 'a ſingle Judge, in a Court unreſtrained by the wiſe Rules of 'the common Law, Birthright of Engliſhmen, and the Safe-'guard of their Perſons and Properties.

'The invaluable Rights of Taxing ourſelves, and Trial by 'our Peers, of which we implore your Majeſty's Protection, 'are not, we moſt humbly conceive, unconſtitutional, but con-'firmed by the Great Charter of Engliſh Liberty. On the 'firſt of theſe Rights, the Honourable the Houſe of Commons 'found their Practice of originating Money Bills—a Right 'enjoyed by the Kingdom of Ireland; by the Clergy of Eng-'land, till relinquiſhed by themſelves—a Right, in fine, which 'all other your Majeſty's Engliſh Subjects, both within and 'without the Realm, have hitherto enjoyed.'

So far were they from any Thought or Deſire to draw into queſtion, or to deny the Sovereignty of his Majeſty in his Parliament, or to arrogate to themſelves the ſole Right of making Laws, that, in their Petition to the Houſe of Commons, they declare the Reverſe in theſe Words:

'We

'We moſt ſincerely recognize our Allegiance to the Crown, 'and acknowledge all due Subordination to the Parliament of 'Great Britain, and ſhall always retain the moſt grateful Senſe 'of their Aſſiſtance and Protection. We eſteem our Depen-'dence on, and Connection with Great Britain, as one of our 'greateſt Bleſſings, and apprehend the former will appear to 'be ſufficiently ſecure, when it is conſidered, that the Inha-'bitants in the Colonies have the moſt unbounded Affection 'for his Majeſty's Perſon, Family, and Government, as well 'as for the Mother Country, and that their Subordination to 'the Parliament, is univerſally acknowledged.'

Thoſe Petitions however were not received, on Pretence of their being from a Body not legally aſſembled, and unknown to the Conſtitution.

In January 1766, the Houſe of Repreſentatives were obliged to complain of Governor Bernard's having, together with his Council, aſſumed a Legiſlative Power, in ordering an Act of Parliament, or as he ſtiles it an Ordinance, to be regiſtered among the Laws of the Province; which was never done before, but by Act of Aſſembly *. This juſt Complaint againſt the Uſurpation of the Governor, has been invidiouſly repreſented as an Attack upon the Authority of Parliament †, whereas in truth it had no relation to the Authority.

In January 1766, Petitions were preſented from the Merchants of London, Briſtol, and Glaſgow, to both Houſes of Parliament, repreſenting the great Injury that would accrue to their Property, and to the Commerce of this Kingdom, from the Operation of the Stamp Act, and praying for its Repeal.

The Repeal of it took place accordingly on the 19th March following.

The Aſſembly of Maſſachuſetts Bay, upon the Repeal being known, formed and tranſmitted an humble Addreſs of Thanks to his Majeſty, and Letters of the moſt grateful Acknowledgment to their Illuſtrious Patrons and Friends in either Houſe of Parliament. Soon after this they paſſed a Bill for granting Compenſation to the Sufferers during the Diſorders occaſioned

* 'But the moſt intereſting Objection, which is not avowed, and therefore 'cannot receive a formal Anſwer, is, that an American Repreſentation will 'take away all Pretences for diſputing the Ordinances of Parliament.' Governor Bernard's Letter 1764, p. 59. And again, p. 72, and 54.

† See Extract of Governor Bernard's Letter in the Lords Report, p. 7.

by the Stamp Act; agreeably to his Majesty's Recommendation, in consequence of the Address of both Houses of Parliament, his Majesty's Pleasure being signified to them by Mr. Secretary Conway.

The Assembly also conformed themselves to the Mutiny Act, though it touched the Privilege of granting freely their own Money, for which they had so strenuously contended. But they complied, as well from an Abhorrence of renewing the late Dispute which had given them so much Pain, as from a Confidence in his Majesty's then Servants, whom they regarded as friendly to their Liberties and Rights.

Their Satisfaction in, and Gratitude for the Repeal of the Stamp Act, produced a conduct so studiously void of Offence, that Governor Bernard could not avoid giving his Testimony of it in his Letters to the Earl of Shelburne, Secretary of State, as follows:

'The House from the Time of opening the Session to this 'Day, has shewn a Disposition to avoid all Dispute with me; 'every Thing having passed with as much Good-humour as 'I could desire, except only their continuing to act in ad- 'dressing the King, remonstrating to the Secretary of State, 'and employing a separate Agent *. It is the Importance of 'this Innovation, without any Willfulness of my own, which 'induces me to make this Remonstrance, at a Time when I 'have a fair Prospect of having, in all other Business, nothing 'but good to say of the Proceedings of this House.

'They have acted in all Things, even in their Remon- 'strance, with Temper and Moderation; they have avoided 'some Subjects of Dispute, and have laid a Foundation for 'removing some Causes of former Altercation.

'I shall make such a prudent and proper Use of this Letter, 'as I hope will perfectly restore the Peace and Tranquillity 'of this Province, for which Purpose considerable Steps have 'already been made by the House of Representatives.'

Such was the Temper and Moderation with which the People were disposed to seek Relief from the Grievances they felt. We shall presently see what Steps were artfully taken to move them from that Moderation, and compel the Mob into Riots and Tumults, which were to be visited upon the Town, and made the Pretext for introducing a Military Force. The

* The House had employed a separate Agent some Years before, and Governor Bernard had given his Assent to a Bill for paying his Salary. What he calls addressing the King, was a Petition; and remonstrating, was writing a Letter.

The new Revenue Act paſſed on the 29th of June, 1767; a little more than a Year after the Repeal of the Stamp Act.

The Houſe of Repreſentatives, in their Petition to the King, touching this Act, expreſsly acknowledge the Supreme Power of Parliament. 'With great Sincerity, permit us, (ſay they) 'to aſſure your Majeſty, that your Subjects of this Province 'ever have, and ſtill continue to acknowledge your Majeſty's 'High Court of Parliament the Supreme Legiſlative Power of 'the whole Empire."

In their Letters to the Miniſtry, they ſay, 'The Subjects in this Province, and undoubtedly in all the Colonies, however they may have been otherwiſe repreſented to his Majeſty's Miniſters, are loyal; they are firmly attached to the Mother State; they always conſider her Intereſt and their own as inſeparably interwoven, and it is their fervent Wiſh that it may ever ſo remain. All they deſire is, to be reſtored to the Standing upon which they were originally put, to have the Honour and Privilege of voluntarily contributing to the Aid of their Sovereign when required. They are free Subjects; and it is hoped the Nation will never conſider them as in a Tributary State.' And again, 'All they deſire is to be placed 'on their Original Standing, that they may ſtill be happy in 'the Enjoyment of their invaluable Privileges, and the Nation may ſtill reap the Advantage of their Growth and Pro'ſperity.'

That their Prayers might be more likely to obtain Succeſs from being united with the Supplications of all the Colonies, they tranſmitted a circular Letter to the other Aſſemblies, informing them—'That the Houſe had humbly repreſented to the Miniſtry their own Sentiments; that his Majeſty's high Court of Parliament is the ſupreme Legiſlative Power over the whole Empire; that in all free States the Conſtitution is fixed; and as the Supreme Legiſlative derives its Power and Authority from the Conſtitution, it cannot overleap the Bounds of it, without deſtroying its own Foundation. That the Conſtitution aſcertains and limits both Sovereignty and Allegiance, and, therefore, his Majeſty's American Subjects, who acknowledge themſelves bound by the Ties of Allegiance, have an equitable Claim to the full Enjoyment of the fundamental Rules of the Engliſh Conſtitution. That it is an eſſential, unalterable Right in Nature, ingrafted into the Britiſh Conſtitution as a fundamental Law, and ever held ſacred and irrevocable by the Subjects within the Realm, that what a Man has honeſtly acquired is abſolutely his own, which he may freely give, but which cannot be taken from him wit

Conſent. That the American Subjects may, therefore, excluſive of any Conſideration of Charter Rights, with a decent Firmneſs adapted to the Character of Freemen and Subjects, aſſert this natural conſtitutional Right.' They add—'That 'as they have too much Reaſon to believe, that the Enemies 'of the Colonies have repreſented them to his Majeſty's Mi'niſters, and the Parliament, as factious, diſloyal, and ſhew'ing a Diſpoſition to make themſelves independant of the 'Mother Country, they have taken Occaſion, in the moſt 'humble Terms, to aſſure his Majeſty and his Miniſters, 'that, with regard to the People of this Province, and, as 'they doubt not, of all the Colonies, that Charge is unjuſt.'

In conſequence of this, Governor Bernard laid before the Houſe, on the 21ſt of June, 1768, the following Requiſition:

'It gives great Concern to his Majeſty to find, that the ſame 'Moderation which appeared by your Letter to have been a'dopted at the Beginning of the Seſſion, in a full Aſſembly, 'had not continued; and that inſtead of that Spirit of Pru'dence and Reſpect to the Conſtitution, which ſeemed at that 'Time to influence the Conduct of a large Majority of the 'Members, a thin Houſe * at the End of the Seſſion ſhould 'have *preſumed* to revert to, and reſolve upon a Meaſure of ſo 'inflammatory a Nature as that of writing to the other Colo'nies, on the Subject of their intended Repreſentations againſt 'ſome late Acts of Parliament. His Majeſty conſiders this 'Step as evidently tending to create unwarrantable Combina'tions, to excite an unjuſtifiable Oppoſition to the conſtitu'tional Authority of Parliament, and to revive thoſe unhap'py Diviſions and Diſtractions, which have operated ſo pre'judicially to the true Intereſts of Great-Britain and the Co'lonies. It is the King's Pleaſure, that ſo ſoon as the General 'Court is again aſſembled, at the Time preſcribed by the 'Charter, you ſhould require of the Houſe of Repreſentatives, 'in his Majeſty's Name, to *reſcind* the Reſolution which gave 'Birth to the circular Letter from the Speaker, and to declare 'their Diſapprobation of, and Diſſent to that raſh and haſty 'Proceeding. His Majeſty has the fulleſt Reliance upon the 'Affection of his good Subjects in the Maſſachuſetts Bay, and 'has obſerved with Satisfaction, that Spirit of Decency, and 'Love of Order, which has diſcovered itſelf in the Conduct of 'the moſt conſiderable of its Inhabitants.—If the new Aſſem'bly ſhould refuſe to comply with his Majeſty's reaſonable 'Expectation,

* The Houſe was counted, and 82 Members were preſent. Votes of the Houſe 1768.

'Expectation, it is the King's Pleaſure that you ſhould immediately diſſolve them.

Whitehall, April 22, 1768. HILLSBOROUGH.'

This Letter produced univerſal Apprehenſion and Diſcontent not only in the Maſſachuſetts Bay, but in all America. A Demand, attended with a Penalty of Diſſolution, ſeemed a Command, not a Requiſition, leaving no deliberative or diſcretionary Power in the Aſſembly; and the Ground of it being a Petition to the King, guarded with a moſt explicit Declaration of the ſupreme Legiſlative Power of Parliament, it wore the ſevere and dreadful Appearance of a penal Prohibition againſt Petitioning. It was in Effect ſaying, you ſhall not even preſume to complain; and reducing them below the common State of Slavery, in which, if Men complain with Decency, they are heard, unleſs their Maſters happen to be Monſters. It warmed Moderation into Zeal, and inflamed Zeal into Rage. Yet ſtill there appeared a Diſpoſition to expreſs their Grievances in humble Petitions. All the Aſſemblies on the Continent, in Anſwer to a Requiſition of ſimilar Import to that already mentioned, aſſerted the Right of the Subject to petition for Redreſs of Grievances. They joined in Petitions, ſtating the Impoſitions of Taxes upon them without their Conſent, and the Abolition, of Juries in Revenue Cauſes, as intolerable Grievances, from which they prayed Relief.

The Houſe of Repreſentatives of Maſſachuſetts Bay drew up a Letter to the Earl of Hillſborough, Secretary of State, in which they vindicate their Conduct from the Aſperſions thrown upon it in the Governor's Letters; and add, 'It is an inexpreſſible Grief to the People of this Province, to find repeated Cenſures falling upon them, not from Miniſters of State alone, but from Majeſty itſelf, grounded on Letters and Accuſations from the Governor, a Sight of which, though repeatedly requeſted of his Excellency, is refuſed. There is no Evil of this Life, which they ſo ſenſibly feel, as the Diſpleaſure of their Sovereign. It is a Puniſhment which they are ſure his Majeſty will never inflict, but upon a Repreſentation of the Juſtice of it, from his Servants, in whom he confides. Your Lordſhip will allow the Houſe to appeal to your own Candour, upon the Hardſhip of their being made to ſuffer ſo ſevere a Misfortune, without their ever being called to anſwer for themſelves, or even made acquainted with the Matters of Charge alleged againſt them; a Right, to which, by the common Rules of Society, founded in the eternal Laws of Reaſon and Equity, they are juſtly entitled.

'The

'The Houſe of Repreſentatives of this Province have more 'than once, during the Adminiſtration of Governor Bernard, 'been under the Neceſſity of entreating his Majeſty's Mini'ſters to ſuſpend their further Judgment upon ſuch Repreſen'tations of the Temper of the People, and the Conduct of the 'Aſſembly, as they were able to make appear to be injurious. 'The ſame Indulgence this Houſe now beg of your Lordſhip; 'and beſeech your Lordſhip to patronize them ſo far as to 'make a favourable Repreſentation of their Conduct to the 'King our Sovereign: it being the higheſt Ambition of this 'Houſe, and of the People whom they repreſent, to ſtand be'fore his Majeſty in their juſt Character, of affectionate and 'loyal Subjects.'

On the 10th of June a Seizure was made of a Sloop faſtened to the Wharf, with an armed Force, and the Seizure carried by Violence to the Man of War. That this Seizure was made with every Circumſtance of Violence and Inſult which could irritate a Mob, is proved by the Oaths of 13 Eye-Witneſſes, whoſe Credibility has never been impeached. Unhappily the Irritation ſucceeded but too well. The Collector and Comptroller who made the Seizure in that Manner, were treated with great Indignity and perſonal Injury by the Mob*.

About the ſame Time the Captain of the Men of War lying in the Harbour at Boſton, preſſed ſome Seamen belonging to the Town, in Violation of an Act of Parliament for the Encouragement of Trade to America, which ſays, "No Mari"ner, or other Perſon, who ſhall ſerve on board, or be re"tained to ſerve on board, any Privateer, or Trading Ship "or Veſſel, that ſhall be employed in any Part of America, "nor any Mariner, or Perſon, being on Shore in any Part "thereof, ſhall be liable to be impreſſed or taken away, by "any Officer or Officers of or belonging to her Majeſty's "Ships of War."

The Inhabitants of Boſton, to prevent the Tumults which might be apprehended from ſo dangerous an Infraction of Law, were aſſembled, and drew up a Petition to the Governor, praying his Interpoſition to prevent ſuch alarming Outrages.

The

* That the Seizure was unjuſt is plain from this, that they were obliged to reſtore the Veſſel, after detaining her a long Time, not being able to find any Evidence to ſupport a Proſecution. The Suits too for enormous Sums againſt a Number of Perſons, brought in the Court of Admiralty, being found inſupportable, were, after long Continuance, to the great Expence and Trouble of theſe Perſons, dropt, by a Declaration of the King's Advocate that his Majeſty would proſecute no farther;—but the proſecuted could obtain no Coſts or Damages, for ſo is the Law.

The Governor, however, refuſed upon various Pretexts, to interfere.

The following Words of their Petition will ſhew to what a State of Alarm, Anxiety, and Deſpair, theſe Proceedings had reduced them. 'Dutiful Petitions, ſay they, have been 'preferred to our moſt gracious Sovereign, to which (tho' to 'the great Conſternation of the People, we now learn they 'have been cruelly and inſidiouſly prevented from reaching 'the Royal Preſence) we waited to receive a gracious Anſwer, 'with the greateſt Attention to the Public Peace, until we 'find ourſelves invaded with an armed Force, ſeizing, im-'preſſing, and impriſoning the Perſons of our Fellow Subjects, 'contrary to expreſs Acts of Parliament. Menaces have been 'thrown out fit only for Barbarians, which already affect us 'in the moſt ſenſible Manner, and threatens us with Famine 'and Deſolation, as all Navigation is obſtructed, upon which 'alone our whole Support depends, and the Town is at this 'Criſis in a Situation nearly ſuch as if War were formally 'declared againſt it.

'To contend againſt our Parent State is, in our Idea, the 'moſt ſhocking and dreadful Extremity; but tamely to re-'linquiſh the only Security we and our Poſterity retain of the 'Enjoyment of our Lives and Properties, without one Strug-'gle, is ſo humiliating and baſe, that we cannot ſupport the 'Reflection. We apprehend, Sir, that it is in your Option, 'in your Power, and we would hope in your Inclination, to 'prevent this diſtreſſed and juſtly incenſed People from effect-'ing too much, or from the Shame and Reproach of attempt-'ing too little.'

The Riot upon the Seizure of the Sloop was exaggerated into Treaſon and Rebellion. The Commiſſioners fled from the Town in pretended Fear of their Lives; Affidavits were taken in ſecret and *ex parte*, and the Comptroller Mr. Hollowell was diſpatched Home, to give Adminiſtration the moſt horrible Idea of the People. Governor Bernard's Letters to the Secretary of State contained a direct Charge of Treaſon againſt Forty Perſons, not one of whom was proſecuted, becauſe the whole was a Forgery, calculated to meet the Change of Syſtem which Governor Bernard has ſince informed us, they then knew had taken place at London, and encourage the rigorous Meaſures which the new Syſtem was to purſue.

Unhappily it ſucceeded too well. Troops were ſent to Boſton, where they landed the 1ſt of October 1768. But a Difficulty now aroſe, about quartering the Troops in the Town contrary to an Act of Parliament. The Governor, however,

however, ſoon determined to cut the Knot he could not untie. He therefore iſſued a Commiſſion, to diſpenſe with the Law and eſtabliſh Quarters for the Troops in the Town. I ſpeak from his own Letter.

Thus the People ſaw two Acts of Parliament, made for their Protection, wantonly and with Impunity violated; while thoſe which were to their Feelings highly unjuſt and oppreſſive, were to be rigorouſly executed with a Military Force. Nothing could be deviſed more irritating, except the Manner in which the quartering the Soldiers was executed. They filled the General Aſſembly Room, the Court Houſe, and Fanueil Hall, where the Town Meetings were aſſembled. When the General Aſſembly met, the main Guard was planted with a Number of Field Pieces at, and pointed into the very Door of the Aſſembly Houſe. Every Species of Inſult and Outrage was, as if purpoſely, practiſed to drive the People into ſome violent Acts, which ſhould juſtify the letting looſe the Military upon them.

In conſequence of the various Violations of thoſe Laws which ſhould have protected them, the Minds of the People were in the moſt dangerous State of Alarm and Agitation. To prevent the deſtructive Commotions which might be apprehended from ſuch a Diſpoſition, the moderate and well diſpoſed Inhabitants of Boſton petitioned the Governor to call an Aſſembly, that the popular Turbulence might be quieted by their Confidence in and Reſpect for their own Legiſlature. The Governor, however, thought proper to refuſe them this Relief; they therefore ſummoned a Convention of Deputies from the different Townſhips, as the only Means of compoſing the Agitation of Men's Minds, (from which they otherwiſe expected the worſt Conſequences,) by their Confidence in Perſons deputed by themſelves, to enter into a wiſe and cool Conſideration of their Grievances, and the conſtitutional Means of obtaining Redreſs. The Select Men of Boſton have expreſſed theſe Motives in the following Paſſage of their circular Letter:—'Deprived of the Counſels of a General Aſ-
'ſembly in this dark and difficult Seaſon, the loyal People of
'this Province will, we are perſuaded, immediately perceive
'the Propriety and Utility of the propoſed Committee of
'Convention, and the ſound and wholeſome Advice that may
'be expected from a Number of Gentlemen choſen by them-
'ſelves, and in whom they may repoſe the greateſt Confidence,
'muſt tend to the real Service of our moſt gracious Sovereign,
'and the Welfare of his Subjects in this Province, and may
'happily prevent any ſudden and unconnected Meaſures,
'which,

'which, in their preſent Anxiety, and even Agony of Mind, 'they may be in Danger of falling into.'

The Convention met on the 22d of September 1768, and drew up an humble Petition to his Majeſty, imploring Relief. 'With great Sincerity ſay they, permit us to aſſure your Ma-'jeſty, that your Subjects of this Province, of which we are a 'Part, ever have acknowledged and ſtill continue to acknow-'ledge your Majeſty's High Court of Parliament the ſupreme 'Legiſlative Power of the whole Empire. The ſuperintend-'ing Authority of which is clearly admitted in all Caſes that 'can conſiſt with the fundamental Rights of Nature, and the 'Conſtitution to which your Majeſty's happy Subjects in all 'Parts of your Empire conceive they have a juſt and equitable 'Claim.

'It is therefore with the deepeſt Concern that your humble 'Suppliants would repreſent to your Majeſty, that your Par-'liament, the Rectitude of whoſe Intentions is never to be 'queſtioned, has thought proper to paſs divers Acts, impoſing 'Taxes on your Majeſty's Subjects in America, with the ſole 'and expreſs Purpoſe of raiſing a Revenue. If your Majeſty's 'Subjects here ſhall be deprived of the Honour and Privilege 'of voluntarily contributing their Aid to you Majeſty in ſup-'porting your Government and Authority in the Province, 'and defending and ſecuring your Rights and Territories in 'America, which they have always hitherto done with the 'utmoſt Chearfulneſs: If theſe Acts of Parliament ſhall remain 'in Force; and your Majeſty's Commons in Great Britain 'ſhall continue to exerciſe the Power of granting the Property 'of their Fellow Subjects in this Province, your People muſt 'then regret their unhappy Fate, in having only the Name 'left of free Subjects.'

The Troops which had landed at Boſton without the leaſt Oppoſition, determined, as it was natural to expect, to make the Diſturbance they were diſappointed in not finding. They offered a Variety of Inſults to the peaceable Inhabitants, and one of their Officers was detected in attempting to excite the Negroes to rebel; till at laſt a Party of Soldiers under the Command of Captain Preſton, fired upon the People on the 5th of March 1769, killing Six, and wounding many more. So intolerable an Outrage aſſembled the People, who were ſo much incenſed, that it was thought prudent for the Troops to evacuate the Town.

The Removal of the Troops reſtored the Tranquillity of the Town and the Good-humour of the People, the principal of whom exerted themſelves to palliate the Conduct of Captain

 Preſton,

Preſton, and obtain for him a favourable Trial. To this End, he was tried ſeparately from the Soldiers, and he was acquitted, becauſe no Evidence could depoſe that they heard him give Orders to fire.—Indeed, the Noiſe of the Tumult was ſo great, that if he had given ſuch Orders, which he denied, none could have heard him but the Soldiers among whom he ſtood.—— When the Soldiers came to be tried, they pleaded the Orders of their Captain, which they durſt not diſobey. And on the Belief of this as a Truth, the humane Jury acquitted them alſo. An Inſtance of great Temper and Equity in a People ſo exaſperated.

It was not however intended that the Quiet of the Town and Province ſhould continue long. New Modes of Irritation were applied, to drive the People into Violence and Deſpair.

Mr. Robinſon, one of the Commiſſioners who had attempted to aſſaſſinate Mr. Otis, was diſpatched to England immediately after the Affair of the 5th of March, with a Caſe ſaid to be that of Captain Preſton, though directly repugnant to what he had publiſhed under his own Hand. This Caſe had been ſecretly drawn up, and was ſecretly tranſmitted. The Purpoſe of it was to throw the Charge of being the Aggreſſors upon the People, and that the Soldiers fired upon them in their own Defence, and to ſave the Cuſtom Houſe from being plundered. This Statement was accompanied by Minutes of Council framed by the Secretary himſelf, and ſecretly ſworn to, in which one of his Majeſty's Council was repreſented, as declaring that there had been a premeditated Deſign and Plan of a general Inſurrection formed by the People, of which this Attack upon the Guard was the firſt Step. Abſurd as it was to ſuppoſe that the People had planned and began to execute an Inſurrection, and yet not a Man appear in Arms, for no ſuch Thing was pretended, ſtill the Example of the Succeſs and Impunity with which Governor Bernard had accuſed them ſpecifically of Treaſon, without being able to prove a Tittle of it, was enough to encourage Governor Hutchinſon, and his Brother-in-law the Secretary, to repeat a ſimilar Charge on this Occaſion, which they knew would operate for the Time, and being made ſecretly, they truſted it would not be known, ſo as to meet a Refutation. Mr. Commiſſioner Robinſon arrived in London, and his State, &c. was circulated through the Miniſtry and Members of Parliament, and, ſupported by his perſonal Applications, inflamed them againſt the Province. In the mean Time, the Town proceeded to draw up their Narrative of the Affair founded upon Affidavits taken openly, with Notice given to all Perſons concerned to attend and croſs-examine

mine the Witneſſes. Upon this open and fair Enquiry, it appeared by the Teſtimony of near an Hundred Perſons, that the Soldiers were the Aggreſſors, having fired upon the People without ſufficient Provocation, and without the Intervention of, or even application to the civil Magiſtrate.

It was not until October 1770, that the Repreſentation and Affidavit of their Secretary, Mr. Oliver, reached his Majeſty's Council at Boſton, in a Pamphlet which had been publiſhed in London, to juſtify the Proceedings of the Military on the 5th of March 1769, and accuſe the People. The Member to whom he had imputed the Words, which were calculated to convey the Idea of an Inſurrection having been planned by the People, publicly made Oath, that the Secretary had miſrepreſented his Words, and that he never knew, or heard, or even thought of any ſuch Plan. The other Members of Council who were preſent alſo made Oath, that Mr. Oliver's Account was a Miſrepreſentation; and the Council came unanimouſly to the following Reſolutions: 'That Andrew 'Oliver, Eſq; Secretary of this Province, by ſecretly taking 'Minutes at Council, of what was ſaid by the Members of 'the Council, in their Debates, alſo by ſigning a Paper con-'taining thoſe Minutes, and further, by giving his Depoſi-'tion to the Truth of it, has, in each and all thoſe Inſtances, 'acted inconſiſtent with the Duty of his Office, and thereby 'is guilty of a Breach of Truſt.'

Mr. Oliver, thus ſtigmatized, was ſoon after appointed Lieutenant Governor of the Province. Unhappily this wore the Appearance of rewarding for his Treachery to the Council and his Enmity to the People, which tended neceſſarily to diminiſh the Confidence and Reſpect due to Government, and to ſpread Diſcontent through the Province.

On the 13th of May 1770, Governor Hutchinſon held the Aſſembly at Cambridge, obliging them to quit Boſton, where all the public Records and Conveniences for carrying on Buſineſs, were lodged. The Two Houſes remonſtrated againſt this, not only as highly inconvenient and diſtreſſing to them, and an Embarraſſment to public Buſineſs, but an Infringement of their chartered Rights. Notwithſtanding this, the Aſſembly was continued there for Two Seſſions without any Reaſon being given but mere Will and Pleaſure (ſignified in Inſtructions from the Miniſter) and then it was adjourned to Boſton, not as an Act of Graciouſneſs, but of Caprice. It was impoſſible but that ſuch Proceedings muſt have irritated

Men's Minds, and raiſed among all Ranks of People a Spirit of Diſcontent and Diſtruſt *.

The Proceedings in England were not more conciliating.

Governor Bernard had, by various falſe and inflammatory Repreſentations, concentered upon the Province the whole Force of royal and parliamentary Indignation. He had expreſsly accuſed certain Perſons of a treaſonable Deſign, their Names, as he pretended, being enrolled for the Purpoſe, to ſeize the Caſtle and turn it againſt the King's Troops.

This Intelligence produced the following Addreſs from the Houſe of Lords to the King, on the 15th of December 1768, concurred in by the Commons on the 9th of February 1769.

'As we conceive, that nothing can be more immediately 'neceſſary, either for the Maintenance of his Majeſty's Au- 'thority in the ſaid Province, or from guarding his Majeſty's 'Subjects therein from being further deluded by the Arts of 'wicked deſigning Men, than to proceed in the moſt ſpeedy 'and effectual Manner for bringing to condign Puniſhment 'the chief Authors and Inſtigators of the late Diſorders, to 'beſeech his Majeſty, that he will be graciouſly pleaſed to 'direct his Majeſty's Governor of Maſſachuſetts Bay to take 'the moſt effectual Methods for procuring the fulleſt Infor- 'mation that can be obtained touching all Treaſons, or Miſ- 'priſions of Treaſon, committed within his Government ſince 'the 30th Day of December laſt, and to tranſmit the ſame, 'together with the Names of the Perſons who were the moſt 'active in the Commiſſion of ſuch Offences, to One of his 'Majeſty's principal Secretaries of State, in order that his 'Majeſty may iſſue a ſpecial Commiſſion for enquiring of, 'hearing and determining the ſaid Offences within this 'Realm, purſuant to the Proviſions of the Statute of the 35th 'Year of the Reign of King Henry the Eighth, if his Majeſty 'ſhall, upon receiving the ſaid Information, ſee ſufficient 'Ground for ſuch a Proceeding.'

His

* The Aſſembly of South Carolina was about the ſame Time removed from Charleſtown to Port Royal, a remote Place unfit to accommodate them. This Method of harraſſing Aſſemblies into the Meaſures of a Miniſtry, ſeems borrowed from the favourite Miniſter of Henry III. who, 'to work his Ends (as 'Gaſcoign tells us) cauſed the Parliament to ſit *in villibus et remotis partibus* 'regni, where few People, *propter defectum hoſpitii et victualium*, could attend, 'and by ſhifting that Aſſembly from Place to Place to enforce (in the Author's 'Words) *illos paucos qui remanebunt de communitate regni, concedere regi quamvis peſſima.*'

His MAJESTY's Answer was:

'I shall not fail to give those Orders which you recommend as the most effectual Method of bringing the Authors of the late unhappy Disorders in that Province to condign Punishment.'

But Governor Bernard thus armed with all the Powers of Government, was unable to substantiate his Accusation against a single Person. The Purposes however for which the Accusation was devised were fully answered. An Odium had been fixed upon the People, a military Force had been sent, which promised to create the very Rebellion he had falsely declared to exist, for the Purpose of procuring that Force.

The Manner in which he proceeded in his Endeavours to stir up Resistance and create Disorders, is thus described in the Narrative of the Town, and which he has never been able to contradict.

'Governor Bernard, without consulting the Council, having given up the State-House to the Troops at their Landing, they took Possession of the Chambers where the Representatives of the Province and the Courts of Law held their Meetings; and (except the Council Chamber) of all other Parts of that House; in which they continued a considerable Time, to the great Annoyance of those Courts while they sat, and of the Merchants and Gentlemen of the Town, who had always made the lower Floor of it their Exchange. They had a Right so to do, as the Property of it was in the Town; but they were deprived of that Right by mere Power.—The said Governor soon after, by every Stratagem and Method, but a forcible Entry, endeavoured to get Possession of the Manufactory-House, to make a Barrack of it for the Troops; and for that Purpose caused it to be besieged by the Troops, and the People in it to be used very cruelly; which extraordinary Proceedings created universal Uneasiness, arising from the Apprehension that the Troops, under the Influence of such a Man, would be employed to effect the most dangerous Purposes; but failing of that, other Houses were procured, in which, contrary to Act of Parliament, he caused the Troops to be quartered. After their Quarters were thus settled, the Main Guard was posted at One of the said Houses, directly opposite to, and not Twelve Yards from the State-House, (where the General Court and all the Law Courts for the County were held) with two Field Pieces pointed to the State-House. This Situation of the Main Guard and Field Pieces seemed to indicate an Attack upon the Constitution, and a Defiance of Law; and to be intend-

'ed

'ed to affront the legiſlative and executive Authority of the 'Province.'

The General Court, at the firſt Seſſion after the Arrival of the Troops, viewed it in this Light, and applied to Governor Bernard to remove ſuch an Offence, but to no Purpoſe. Diſguſted at ſuch an Indignity, and at the Appearance of being under Dureſſe, they refuſed to do Buſineſs in ſuch a Situation, and were removed to another Place, to the great Inconvenience of the Members.

Beſides this, the challenging the Inhabitants by Centinels poſted in all Parts of the Town, occaſioned many Quarrels and great Uneaſineſs. It was fully proved againſt Captain Wilſon of the 59th Regiment, that he was exciting the Negroes of the Town to take away their Maſters Lives and Property, and repair to the Army for Protection. To theſe were added various Outrages, ſuch as the Soldiers attacking and inſulting the Magiſtrates of the Town, reſcuing their Fellows from the Peace Officers, firing loaded Muſkets in the Streets to the great Alarm and Danger of the peaceable Inhabitants, and wounding Perſons frequently and wantonly with their Bayonets and Cutlaſſes.

Theſe Inſults and Outrages did not, however, produce the Inſurrection that was wiſhed; but an humble Petition from the Repreſentatives of the People to his Majeſty againſt the Author of all thoſe Evils, Governor Bernard.

This Petition was voted the 27th of June 1769. The Governor prorogued the Aſſembly to January 10th, 1770, and came over to England. On the 25th of October, he preſented a Petition to bring the Charges againſt him to a Hearing. In the mean time Orders were ſent to the Lieutenant-Governor, Mr. Hutchinſon, to prorogue the Aſſembly to the 14th of March, which was done accordingly. Notwithſtanding the Agent repreſented the Impoſſibility of the Aſſembly even knowing that their Petition was to be heard, much leſs tranſmitting Evidence in Support of the Allegations it contained, that this Impoſſibility was created by the very Perſon accuſed, and who, in the Face of that, called upon them to ſupport their Charge, to which the Agent added an humble Prayer, that the Hearing might be deferred till convenient Time was given for the Meeting of the Aſſembly and Tranſmiſſion of Evidence: Yet the Petition was ordered peremptorily to a Hearing on the 28th of February, when, in Default of Evidence, the ſeveral Charges in it were declared groundleſs, vexatious, and ſcandalous; and that the petitioning could only be with a View of keeping up a Spirit of Clamour and Diſcontent in the ſaid Province.

Thus

Thus the People had the Grief and Mortification to find, that whether they were the Accuſers or the Accuſed, they were ſure of being cenſured and condemned. This Man had been inſtrumental in bringing upon them the Odium of Diſaffection and Rebellion; he had ſhut the Ear of the King and Parliament againſt their Applications for Redreſs of Grievances; he had contributed to the having a military Force ſent to dragoon them; he had, in Violation of an expreſs Act of Parliament, quartered thoſe Troops in their Town, with every Circumſtance of Inſolence and Outrage; he had ſubjected them to the intolerable Oppreſſion of being dragged Three Thouſand Miles, upon mere Suſpicion, to ſtruggle for their Lives and Property, without Friends and without Witneſſes, againſt all the Force of miniſterial Proſecution. Yet it was conceived that to petition againſt ſuch a Man could only flow from factious Motives, and becauſe his own Agency in proroguing the Aſſembly rendered it impoſſible they ſhould even know it was required of them to ſupport their Charges againſt him, thoſe Charges were pronounced groundleſs and malicious. With the Feelings of Men they could not but be ſenſibly affected by theſe Proceedings, which, to ſpeak in the Language of the Poet, preaching to Stones would make them capable.

To heighten the Colouring of theſe Tranſactions, Orders were ſent in 1771 to the Governor, to refuſe his Aſſent to any Tax Bill which ſhould include the Commiſſioners of Cuſtoms. Theſe Gentlemen, whoſe officious and incendiary Zeal againſt that Country had raiſed them to Office, were to be diſtinguiſhed more than the firſt Men in this Country, by an Exemption from ſharing in the common Burdens of the Community.

In 1772, the Judges' Salaries were ordered to be paid out of the extorted Revenue, and not by Grants from the Repreſentatives of the People, as had been the conſtant Uſage. Nothing could alarm the People more than this Eſtabliſhment, as it ſtruck at once at the very Root of the impartial Adminiſtration of Juſtice. The Inhabitants of Boſton ſay, in their Addreſs to the Governor, that 'as the Judges hold their 'Places *during Pleaſure*, this Eſtabliſhment was big with the 'moſt fatal Evils.'

Both Governor Bernard and Governor Hutchinſon had repeatedly repreſented the Diſcontent and Oppoſition, as ariſing from a factious Few in Boſton; and that the Province in general were averſe to their Meaſures, and ſatisfied with their Situation. To aſcertain the general Sentiments of the People, a Committee was appointed at Boſton, to repreſent their Senſe of Grievances to the reſt of the Townſhips, and take their Opinion

Opinion upon them. This was accordingly done, the 2d of November 1772. The reſt of the Towns concurred moſt unanimouſly in the ſame Senſe of Grievances, and Deſire of having them redreſſed.

On the 6th of January 1773, Governor Hutchinſon, in his Speech to the Two Houſes of Aſſembly, challenges them to a Controverſy upon the ſupreme legiſlative Authority of Parliament. The Aſſembly, in their Anſwer, take up the Queſtion as a Point of Argument and Speculation, refuting his Arguments, and controverting his Concluſions. It was a Queſtion, which, of themſelves, they had never ventured to agitate, and they entered into it now when publicly provoked to it, with avowed Reluctance.—'We have the higheſt Reſpect,' ſay they, 'for that auguſt Body the Parliament, and do not preſume to preſcribe the exact Limits of its Authority. Yet, with the Deference that is due to it, we are humbly of Opinion, that as all human Authority, in the Nature of it, is and ought to be limited, it cannot conſtitutionally extend, for the Reaſons we have above ſuggeſted, to the levying of Taxes in any Form on his Majeſty's Subjects of this Province. Theſe are great and profound Queſtions. It is the Grief of this Houſe, that by the ill Policy of a late injudicious Adminiſtration, America has been driven into the Contemplation of them. And we cannot but expreſs our Concern, that your Excellency by your Speech has reduced us to the unhappy Alternative, either of appearing by your Silence to acquieſce in your Excellency's Sentiments, or of thus freely diſcuſſing this Point.'

The moſt charitable Conſtruction of this Conduct in the Governor is, that it was prompted by indiſcreet Zeal; the moſt probable Conjecture is, that it was a Snare laid for the Two Houſes to draw them into ſuch a Denial of the ſupreme legiſlative Authority of this Country, as might expoſe them to its utmoſt Indignation. Whether it aroſe from Malice or Indiſcretion, moſt certainly it was courting the Diſcuſſion of a Queſtion which Common Senſe and Common Honeſty would have wiſhed to cover with a ſacred and impenetrable Veil. But the Two Houſes, though compelled into the Diſcuſſion of the Right as a ſpeculative Point, had no Idea of drawing it into Queſtion practically. For in March following, the Houſe of Repreſentatives tranſmitted a Letter to the Secretary of State, in which they thus ſtate the Exerciſe of that Power, which was queſtionable as to the Right and grievous in its Operation.

'Your

'Your Lordſhip is well acquainted with the ſeveral Acts, 'by which the Britiſh Parliament have thought proper *within 'a few Years paſt*, to raiſe a Revenue in America, without our 'Conſent. The many and weighty Reaſons againſt, and Ob- 'jections to thoſe Acts, are ſo well known and underſtood by 'your Lordſhip, that we ſhall not take off your Attention 'to the great Affairs of the Nation, by particularly mention- 'ing them at this Time: We only beg Leave to ſay that we 'apprehend they tend to injure our Commerce and ſubvert our 'Liberties, and therefore are unjuſt, impolitic, and deſtructive 'of the real Intereſt of the whole Empire.'

The ſame Temper and Moderation appears in the Letter addreſſed by both Houſes to the Earl of Dartmouth.

Province of the Maſſachuſetts Bay, June 29th, 1773.

My Lord*,

'The Re-eſtabliſhment of the Union and Harmony that 'formerly ſubſiſted between Great Britain and her Colonies is 'earneſtly to be wiſhed by the Friends of both. As your 'Lordſhip is one of them, the Two Houſes of the Aſſembly of 'this Province beg leave to addreſs you. The original Cauſes 'of the Interruption of that Union and Harmony may pro- 'bably be found in the Letters ſent from hence to Admini- 'ſtration, and to other Gentlemen of Influence in Parliament, 'ſince the Appointment of Sir Francis Bernard to the Go- 'vernment of this Province; and there is great Reaſon to 'apprehend, that he and his Coadjutors originally recom- 'mended and laid the Plans for the eſtabliſhing the American 'Revenue, out of which they expected large Stipends and 'Appointments for themſelves, and which, through their In- 'ſtrumentality, has been the Occaſion of all the Evils that 'have ſince taken place.

'When we had humbly addreſſed his Majeſty, and petitioned 'both Houſes of Parliament, repreſenting our Grievances, and 'praying for the Repeal of the Revenue Acts, the like Inſtru- 'ments, and probably the ſame, exerted themſelves to prevent 'thoſe Petitions being laid before his Majeſty and the Parlia- 'ment, or to fruſtrate the Prayer of them. Of this we have 'juſt had ſome new and unexpected Evidence from original 'Letters of Governor Hutchinſon and Lieutenant-Governor 'Oliver; in which the former particularly and expreſsly, by

* The Right Hon. the Earl of Dartmouth.

' his Letter of the 10th of December 1768, endeavoured, in ' Co-operation with Governor Bernard, to fruſtrate a Petition ' of a number of the Council for the Repealing thoſe Acts, ' and to procure his Majeſty's Cenſure on the Petitioners; ' and the Letters of the latter, by the diſadvantageous Idea ' conveyed by them of the Two Houſes of Aſſembly, manifeſtly ' tended to create a Prejudice againſt any Petitions coming ' from a Body of ſuch a Character; and his Letter of the ' 11th of May 1768 in particular, mentions the Petition of the ' Houſe of Repreſentatives to his Majeſty, and their Letters to ' divers noble Lords, with ſuch Circumſtances as had a Ten- ' dency to defeat the Petition, and render the Letters of no ' Effect.

' It is now manifeſt, my Lord, what Practices and Arts ' have been uſed to miſlead Adminiſtration, both in the firſt ' Propoſal of American Revenue Acts, and in the Continu- ' ance of them: But when they had loſt their Force, and ' there appeared, under the Influence of your Lordſhip, a Diſ- ' poſition in Parliament to repeal thoſe Acts, his Excellency ' Governor Hutchinſon, in his Speech at the Opening of the ' laſt Seſſion of the General Court, was pleaſed to throw out ' new Matter for Contention and Debate, and to call on the ' Two Houſes in ſuch a preſſing Manner as amounted to lit- ' tle ſhort of a Challenge to anſwer him. In ſuch a Dilemma ' were they brought by the Speech, that they were under a ' Neceſſity of giving ſuch Anſwers to it as they did, or hav- ' ing their Conduct conſtrued into an Acquieſcence with the ' Doctrines contained in it, which would have been an im- ' plicit Acknowledgment that the Province was in a State of ' Subjection differing very little from Slavery. The Anſwers ' were the Effect of Neceſſity, and this Neceſſity occaſioned ' great Grief to the Two Houſes. The People of this Pro- ' vince, my Lord, are true and faithful Subjects of his Ma- ' jeſty, and think themſelves happy in their Connection with ' Great Britain.

' They would rejoice at the Reſtoration of the Harmony ' and Good Will that once ſubſiſted between the Parent State ' and them: But it is in vain to expect this Happineſs during ' the Continuance of their Grievances, and while their Char- ' ter Rights, one after another, are wreſted from them. Among ' theſe Rights is the ſupporting of the Officers of the Crown ' by Grants from the Aſſembly; and in an eſpecial Manner, ' the ſupporting of the Judges in the ſame Way, on whoſe ' Judgment the Province is dependent in the moſt important ' Caſes, of Life, Liberties, and Property. If Warrants have

' not

'not yet been, or if they already have been iſſued, we earneſtly 'beg the Favour of your Lordſhip's Interpoſition to ſuppreſs 'or recal them. *If your Lordſhip ſhould condeſcend to aſk what 'are the Means of reſtoring the Harmony ſo much deſired, we ſhould 'anſwer in a Word, that we are humbly of Opinion, if Things 'were brought to the general State in which they ſtood at the Con-'cluſion of the late War, it would reſtore the happy Harmony 'which at that Time ſubſiſted.*

'Your Lordſhip's Appointment to be Principal Secretary of 'State for the American Department has given the Colonies 'the higheſt Satisfaction. They think it a happy Omen, and 'that it will be productive of American Tranquillity, con-'ſiſtent with their Rights as Britiſh Subjects. The Two 'ouſes humbly hope for your Lordſhip's Influence to bring 'about ſo happy an Event, and in the mean time they can 'with full Confidence rely on your Lordſhip, that the Machi-'nations of Sir Francis Bernard, and other known Enemies of 'the Peace of Great Britain and her Colonies, will not be ſuf-'fered to prevent or delay it.

'This Letter which has been agreed on by both Houſes, is 'in their Name, and by their Order, ſigned and tranſmitted to 'your Lordſhip, by, My LORD,

Your Lordſhip's moſt obedient,
and very humble Servant,
(COPY.) THOMAS FLUCKER, Secretary.'

In the mean time the Repreſentatives of the People have omitted no Opportunity of laying their Griefs at the Foot of the Throne, with the moſt humble Supplications for Relief.

Their Petition to the King in 1772 ſpeaks thus:—'The In-'habitants of this Province had long ſhared in the Bleſſings of 'good Government under the mild Adminiſtration of your 'Majeſty and your royal Predeceſſors, until your Britiſh Par-'liament ſaw fit to paſs divers Acts for the expreſs Purpoſe of 'raiſing a Revenue in America, without the Conſent of your 'Subjects inhabiting therein. It was this that filled the 'Minds of your Subjects of this Province with Diſcontent; 'being grieved that your Majeſty's Council ſhould adviſe to a 'Meaſure, which in a great Degree deprives them of the 'Rights and Liberties of free and natural Subjects granted to 'them by the Charter. The Houſe of Repreſentatives did, 'in the Year 1768, demonſtrate to your Majeſty this grievous 'Infraction of their deareſt Rights of Engliſhmen. Our

'Hearts are too deeply impreſſed with Loyalty and Affection 'to your Majeſty's Perſon and Family to imagine, that a 'Failure of the Redreſs then prayed for, can be imputed to 'any Want of paternal Regard in your royal Mind for all 'your Subjects. It becomes us rather to ſuppoſe, that the 'Petition and Complaint, unfortunately for us, did not reach 'the Throne.'

They repeat the ſame Subject of Complaint in their Petition of 1773, in theſe Words: 'The Parliament of Great-Bri-'tain, in which your Subjects here are not and cannot be re-'preſented, hath exerciſed a Power of raiſing a Revenue with-'in the Province, to the great Grief and Diſtreſs of your Ma-'jeſty's People, and, we conceive, in Repugnance to the 'Royal Charter. Your Petitioners did, at the laſt Seſſion of 'this Aſſembly, make their humble Supplication to your Ma-'jeſty, praying the Interpoſition of your royal Clemency for 'the Redreſs of their Grievances; but we know not whether 'our Petition was ever laid before your Majeſty.'

Beſides the Cauſes of Uneaſineſs and Irritation already mentioned, ſundry Inſtructions have been ſent to the Governor of this Province, ſince the Year 1770, which tended to keep the People in continual Alarm and Diſcontent. The Nature of theſe Inſtructions is fully explained in the following Extract, from a Letter of the Houſe of Repreſentatives, to the Earl of Dartmouth.

'We cannot refrain from expreſſing our ſtrongeſt Appre-'henſions, that the Inſtructions which have of late been given 'to the Governor by the Miniſtry, if perſiſted in, will entire-'ly deſtroy our Liberties, and ſubvert our happy Conſtituti-'on. In purſuance of Inſtructions, the Garriſon of our prin-'cipal Fortreſs, Caſtle William, has been withdrawn, and a 'Garriſon of his Majeſty's regular Troops, over whom the 'Governor has declared he has no Controul, placed in their 'Stead. By this Means the Governor has no longer that 'Command of this Fortreſs, which he is veſted with by the 'Royal Charter. Upon this Occaſion we would refer it to 'your Lordſhip's Conſideration, whether the Eſtabliſhment of 'the Office, and Power of a Military Commander in Chief, 'not ſubordinate to, but independent of, uncontrouled by, 'and in ſome Inſtances ſuperſeding the Power and Authorities 'already granted to the Governors and Captains General of 'the Provinces, with a Juriſdiction extending over the whole 'Continent of America, is not repugnant to Law, and to the 'Principles of Prudence and ſound Policy; and muſt not be 'very alarming to all thoſe who have any Regard for the Li-'berties of the Conſtitution, either of Great-Britain or of the 'Colonies.

'By

'By virtue of Inſtructions, the Honourable his Majeſty's 'Council are forbid to meet and tranſact Matters of a Public 'Concern, as a Council of Advice to the Governor, unleſs 'called by the Governor; and if they ſhould ſo meet at any 'Time, the Governor is ordered to Negative them at the 'next Election.

'Notwithſtanding the Charter fully authoriſes and empow- 'ers the General Court to impoſe and levy proportionable and 'reaſonable Rates and Taxes upon the Eſtates and Perſons of 'all and every the Proprietors and Inhabitants of the Province, 'yet the Governor has been Inſtructed not to give his Con- 'ſent to any Law or Laws, by which the Commiſſioners, or 'any Perſon employed in the King's Service, whoſe Offices 'have no peculiar Relation to this Province, ſhall be taxed. 'This we conceive is repugnant to the Privilege granted by 'Charter, which makes the general Court the only proper 'Judges, who are to be exempted from Taxes.——By In- 'ſtruction alſo, the Governor is forbid to give his Conſent, 'upon any Pretence whatever, to any Vote or Order for the 'Payment of any Salary or Allowance to any Perſon or Per- 'ſons appointed to negotiate the Affairs of the Province in 'Great-Britain, other than ſuch as ſhall be thereunto ap- 'pointed by an Act of the whole Legiſlature, or by a Vote of 'the Houſe of Repreſentatives, to which the Governor and 'Council reſpectively have given their Concurrence. Of 'what Service can ſuch an Agent be to the Province, eſpeci- 'ally while Matters which ſo nearly affect the very Funda- 'mentals of the Conſtitution are in Diſpute. For if he muſt 'receive his Inſtructions from all the Branches of the Legiſla- 'ture, as may, and undoubtedly will be inſiſted on, can it be 'expected they will agree in a Set of Inſtructions in our pre- 'ſent critical Situation? If it ſhould be ſaid that either Branch 'would have a Right to inſtruct the Agent ſeparately, yet it 'may happen, eſpecially if the Agent be equally obliged to 'purſue his Inſtructions from each Branch, that in the moſt 'important Matters the Inſtructions will be various and con- 'tradictory, which muſt totally deprive us of any Benefit from 'his Agency, in all ſuch Caſes. In ſhort, it is defeating us 'of every valuable Purpoſe, as we conceive, that might ac- 'crue to the Province by an Agent at the Court of Great- 'Britain. Moreover, with ſuch an Agent, under the Direc- 'tion of the three Branches, will it not be utterly impracti- 'ble for the Aſſembly ever to lay before their Sovereign their 'Complaints againſt the corrupt and arbitrary Adminiſtration 'of a Governor? Self-defence, my Lord, whether it regard In- 'dividuals or Bodies of Men, is the firſt Law of Nature. The

'Right

'Right of Defence includes all Means requiſite and proper for 'that Defence, and conſequently a Right to appoint and ſup- 'port their own Defender. It muſt therefore appear, that 'the Houſe has, more eſpecially when their deareſt Rights are 'at Stake, a clear and juſt Right to appoint an Agent for 'themſelves, without the Concurrence of the Governor.

'It muſt be apparent to your Lordſhip, that while our 'Judges hold their Commiſſions during Pleaſure only, if they 'are to receive their Support from the Crown, independent of 'the free Grants of the People, they will be dependent on the 'Crown both for their Places and Support; and we ſhould 'ſubmit it to your Lordſhip's Conſideration, whether this be 'not a Situation in which no Man could wiſh to be, who is 'properly impreſſed with a Senſe of human Depravity, or who 'has a due Regard for Juſtice. In ſuch a Caſe, what Deciſions 'muſt the People expect, when the Diſpute lies between Pre- 'rogative and Privilege?

'We beg your Lordſhip's candid Attention to the un- 'happy Circumſtances of the Province; and hope the Re- 'preſentation we have made of our Grievances will meet with 'a favourable Reception. The Colonies are far from being 'inſenſible of their Happineſs, in being conducted with the 'Mother Country, and of the mutual Benefits derived from it; 'and ſhall at all Times eſteem it our Glory to cultivate, as far 'as our Influence may extend, the warmeſt Sentiments of 'Loyalty and Affection to his Majeſty, and to promote a happy 'Union and Harmony between the Subjects of Great Britain 'and thoſe of the Colonies. We are greatly aggrieved. We 'think it our indiſpenſable Duty to point out to your Lordſhip 'our Grievances; we have frequently done it heretofore to 'Adminiſtration. We have failed of Succeſs. Inſtead of be- 'ing relieved, our Grievances have been increaſed. Our Con- 'ſtituents are juſtly and univerſally alarmed, and filled with 'anxious Concern at the preſent Poſture of Affairs.'

It is proper to ſay a ſingle Word about Agency, Mr. De Bardt was appointed by the Houſe only, 7th November 1765; he was admitted, without the leaſt Queſtion, as Agent, at the Board of Trade, under different Adminiſtrations, and Gover- nor Bernard gave his Aſſent to a Bill for paying his Salary ſo late as the Year 1768. It happened to be the Duty of the Agent ſoon after to convey the Complaints of his Conſtituents to the Throne, both againſt the Miniſter and the Governor. In this Buſineſs a faithful honeſt Agent was found exceedingly troubleſome. Such Repreſentations were therefore made by the Governor, and ſuch Inſtructions ſent by the Miniſter, as

incapaciated

incapaciated the Houſe from paying their Agent, unleſs they would have one approved of by the very Perſons againſt whom it might be his Duty to act. This Meaſure needs no Comment. It is not in human Depravity to deviſe an Act of more groſs Injuſtice, than that of debarring Men of the Means of defending themſelves when accuſed, or of complaining when injured.

With all theſe repeated Diſappointments and accumulated Grievances rankling in the Minds of the People, the Houſe of Repreſentatives received, through the Hands of their Agent, ſome original Letters written by their Governor and Lieutenant Governor to Perſons of Influence in England. Theſe Letters contained a moſt unfavourable Repreſentation of the Principles and Proceedings of the People, and of their Repreſentatives. They called for Puniſhment upon Individuals, and Reſtraints upon the whole by an Abridgment of their Liberties. The Means of altering the Charter, and of new modelling the Conſtitution of the Colony, ſo as to render the Crown abſolute, were pointed out with a malignant Ability. Strong Injunctions were added of the Neceſſity of finding out ſome Way, 'to TAKE OFF the original Incendaries,' leſt they ſhould 'continue to inſtil their Poiſon into the Minds of the People.'

Theſe Letters were read with Grief, Aſtoniſhment, and Indignation. The People viewed the Writers of them in the moſt criminal Light. They conſidered them as the intentional Authors of all their paſt Calamities, and the Enemies of their future Peace and Happineſs. What aggravated the Crime was, that theſe Men were their Countrymen, had always profeſſed the warmeſt Wiſhes for the Welfare of the Province and of the People; and in conſequence of thoſe Profeſſions, had obtained their higheſt Confidence and Reſpect. This Character was peculiarly competent to one of the Letter Writers. He was the Strafford of his Time. The ſecret Manner in which the Letters had been conveyed, made the Treachery Tenfold more terrible and offenſive.

The Houſe of Repreſentatives voted an humble Petition to the King for the Removal of theſe Governors, 'who had 'rendered themſelves juſtly obnoxious to the People, and 'tirely loſt their Confidence.'—His Majeſty's Council in the Province reſolved, at the ſame Time, That it would be for his Majeſty's Service, and the Peace of the Province to remove them.

This Petition was heard before a Committee of the Lords of the Privy Council, where an illiberal Lawyer was hired and permitted to abuſe the Petitioners and their Agent, in the groſſeſt

groſſeſt Terms Scurrility could invent; and the Lords reported 'That the Petition was groundleſs, vexatious and ſcandalous, and calculated only for the ſeditious Purpoſes of keeping up a Spirit of Clamour and Diſcontent in the Province. That nothing had been laid before them which did or could, in their Opinion, in any Manner, or in any Degree impeach the Honour, Integrity or conduct of the Governor or Lieutenant Governor.'

It is curious to obſerve that Mr. Hutchinſon, in his Hiſtory, has deſcribed his own Situation in that of Governor Dudley, in the Year 1705. 'The People (ſays he) in general, looked upon him as an Enemy, even to the Privileges of the new Charter. Sir Henry Aſhurſt procured an original Letter, wrote by the Governor's Son Paul, who was then Attorney General, to Mr. Floyd, and ſent it to New England, in which were theſe Expreſſions, *the Government and College are diſpoſed of here in Chimney Corners, and private Meetings, as confidently as can be—This Country will never be worth living in, for Gentlemen and Lawyers, till the Charter is taken away.* Copies were diſperſed about the Province, and the Letter was ſoon after printed.'

Sir Henry Aſhurſt was Agent for the Province, and a Man of high Character, Credit, and Honour. Mr. Hutchinſon paſſes no Cenſure on this Action, neither does it appear to have been cenſured at the Time. Not that Wedderburns were wanting, but that the Times did not countenance their Scurrility.

In December 1773, a large Quantity of Tea, ſhipped by the Eaſt India Company, with the Duty impoſed by Parliament to be paid in America, arrived at Boſton. All the Colonies to which the Tea under the ſame Circumſtances was deſtined, had publicly reſolved that it ſhould not be admitted. The Directors of the Eaſt India Company had been forewarned of its Fate, and an Offer made before it was ſhipped to pay the Duty here. But the Tea was deſtined to produce the Commotions it occaſioned, and the Offer was rejected. The People met in Boſton, and inſiſted on the Tea being ſent back. The Governor refuſed to permit the Ship to return, upon which ſome Perſons in Diguiſe deſtroyed it in the Night. It is manifeſt that the Governor intended to urge them to this Extremity, or elſe he would have acted, as General Haldiman writes he expected Governor Tryon would do, 'to prevent dangerous Extremities, rather chuſe to permit the Teas ſhould be ſent back to England.' The ſame was permitted at Philadelphia, and the Tea actually ſent back on the 27th of December

cember. General Haldiman declares this was the Determination of every Colony. 'The ſeveral Governors (ſays he) of 'other Provinces, will undoubtedly make your Lordſhip acquainted with the Oppoſition intended, and made in their reſpective Governments againſt the landing the Tea; the whole proceeding from an almoſt unanimous Reſolution not to pay any new Duties or Taxes laid by the Parliament of Great-Britain.'

Governor Hutchinſon's Son and his near Relation were the Conſignees of the Tea, and the Perſons moſt intereſted in the Sale of it. As the Conſignees had refuſed to reſign the Tea, their Windows were broke by the Mob. Upon this they applied to his Majeſty's Council for Protection, who came to the following Report upon the Application.

'In Council Nov. 27, 1773, The Petition of Richard 'Clark, Eſq; and others (to whom the Eaſt-India Company 'have conſigned a Quantity of their Tea) being referred to 'this Day, the ſame was taken up; and after long Debates, 'Mr. Danforth, Mr. Bowdoin, Mr. Dexter, and Mr. Winthrop, were appointed a Committee thereon, who reported, 'and the Report after Debate was referred for further Conſideration to Monday next, at Ten o'Clock, A. M.

'Monday, Nov. 29, 1773. The ſaid Report was again 'conſidered, and after ſome Amendments unanimouſly agreed 'to. It is as follows:

'Previous to the Conſideration of the Petition before the 'Board, they would make a few Obſervations occaſioned by 'the Subject of it. The Situation of Things between Great-'Britain and the Colonies has been for ſome Years paſt very 'unhappy. Parliament on the one hand has been taxing the 'Colonies, and they on the other have been petitioning and 'remonſtrating againſt it; apprehending they have conſtitutionally an excluſive Right of taxing themſelves, and that 'without ſuch a Right their Condition would be but little 'better than Slavery. Poſſeſſed of theſe Sentiments, every 'new Meaſure of Parliament, tending to eſtabliſh and confirm a Tax on them, renews and increaſes their Diſtreſs; 'and it is particularly increaſed by the Act lately made, empowering the Eaſt India Company to ſhip their Tea to 'America.

'This Act in a commercial View they think introductive 'of Monopolies, and tending to bring on them the extenſive 'Evils thence ariſing: But their great Objection to it is from 'its being manifeſtly intended (though that Intention is not 'expreſſed therein) more effectually to ſecure the Payment of

' the Duty on Tea, laid by an Act paſſed in the 7th Year of
' his preſent Majeſty, intitled, " An Act for granting certain
" Duties in the Britiſh Colonies and Plantations in America ;"
' which Act in its Operation deprives the Coloniſts of the
' Right above-mentioned (the excluſive Right of taxing them-
' ſelves) which they hold to be ſo eſſential an one, that it can-
' not be taken away, or given up, without their being de-
' graded, or degrading themſelves below the Character of
' Men. It not only deprives them of that Right, but enacts
' that the Monies ariſing from the Duties granted by it may
' be applied " as his Majeſty or his Succeſſors ſhall think proper
" or neceſſary, for defraying the Charges of the Adminiſtrati-
" on of Juſtice, and the Support of the Civil Government,
" within all or any of the ſaid Colonies or Plantations."

' This Clauſe of the Act has already operated in ſome of the
' Colonies, and in this Colony in particular, with regard to the
' Support of Civil Government, and thereby has operated in Di-
' minution of its Charter Rights, to the great Grief of the good
' People of it, who have been, and ſtill are, greatly alarmed
' by repeated Reports, that it is to have a further Operation
' with reſpect to the defraying the Charge of the Adminiſtra-
' tion of Juſtice, which would not only be a further Diminu-
' tion of thoſe Rights, but tend in all conſtitutional Queſtions,
' and in many other Caſes of Importance, to bias the Judges
' againſt the Subject. They humbly rely on the Juſtice and
' Goodneſs of his Majeſty for the Reſtitution and Preſervation
' of thoſe Rights.

' This ſhort State of Facts the Board thought neceſſary to
' be given, to ſhew the Cauſe of the preſent great Uneaſineſs,
' which is not confined to this Neighbourhood, but is general
' and extenſive. The People think their excluſive Right of
' taxing themſelves by their Repreſentatives infringed and vio-
' lated by the Act above-mentioned ; that the new Act, em-
' powering the Eaſt-India Company to import their Tea into
' America, confirms that Violation, and is a new Effort, not
' only more effectually to ſecure the Payment of the Tea
' Duty, but lay a Foundation for the enhancing it ; and in a
' like Way, if this ſhould ſucceed, to lay other Taxes on A-
' merica ; that it is in its Attendants and Conſequences ruin-
' ous to the Liberties and Properties of themſelves, and their
' Poſterity ; that as their numerous Petitions for Relief have
' been rejected, the ſaid new Act demonſtrates an Unwilling-
' neſs in Miniſtry that Parliament ſhould grant them Relief ;
' that this is the Source of their Diſtreſs that borders on De-
' ſpair ; and that they know not where to apply for Relief.

' Theſe

‘ Theſe being the Sentiments of the People, it is become ‘ the indiſpenſable Duty of the Board to mention them, that ‘ the Occaſion of the late Demands on Mr. Clark and others ‘ (the Agents for the Eaſt-India Company) and of the con- ‘ ſequent Diſturbances, might appear: And we mention them, ‘ not to juſtify thoſe Diſturbances, the Authors of which we ‘ have adviſed ſhould be proſecuted, but to give a juſt Idea of ‘ the Riſe of them.

‘ On this Occaſion, Juſtice impels us to declare, that the ‘ People of this Town and Province, though they have a high ‘ Senſe of Liberty, derived from the Manners, the Example ‘ and Conſtitution of the Mother Country, have, till the late ‘ Parliamentary Taxations of the Colonies, been as free from ‘ Diſturbances as any People whatever.

‘ This Repreſentation the Board thought neceſſary to be ‘ made prior to their taking Notice of the Petition of the Agents ‘ above-mentioned; to the Conſideration of which they now ‘ proceed.

‘ The Petitioners “ beg Leave to reſign themſelves, and “ the Property committed to their Care, to his Excellency “ and the Board, as Guardians and Protectors of the People, “ praying that Meaſures may be directed to for the landing “ and ſecuring the Tea, &c.” With regard to the perſonal ‘ Protection of the Petitioners, the Board have not been in- ‘ formed, that they have applied for it to any of the Juſtices of ‘ the Peace; within whoſe Department it is to take Cognizance ‘ of the Caſe of the Petitioners, and of all other Breaches of ‘ the Peace; they being veſted by Law with all the Authority ‘ neceſſary for the Protection of his Majeſty's Subjects. In ‘ the principal Inſtance of Abuſe*, of which they complain, ‘ the Board have already adviſed, that the Authors ſhould be ‘ proſecuted according to Law; and they do adviſe the ſame ‘ in the other Inſtances mentioned in their Petition.

‘ With regard to the Tea committed to the Care of the Pe- ‘ titioners, the Board have no Authority to take either that or ‘ any other Merchandize out of their Care; and ſhould they ‘ do it, or give any Order or Advice concerning it, and a Loſs ‘ enſue, they apprehend they ſhould make themſelves reſpon- ‘ ſible for it. With reſpect to the Prayer of the Petition, “ that Meaſures may be directed to for landing and ſecuring “ the Tea,” the Board would obſerve on it, that the Duty on ‘ the Tea becomes payable, and muſt be paid, or ſecured to

* Some of their Windows were broken.

'be paid, on its being landed. And ſhould they direct or 'adviſe to any Meaſure for landing it, they would of courſe 'adviſe to a Meaſure for procuring the Payment of the Duty, 'and therefore be adviſing to a Meaſure inconſiſtent with the 'declared Sentiment of both Houſes in the laſt Winter Seſſion 'of the General Court, which they apprehend to be altoge-'ther inexpedient and improper.

'The Board, however, on this Occaſion aſſure your Ex-'cellency, that as they have ſeen, with Regret, ſome late 'Diſturbances, and have adviſed to the proſecuting the Au-'thors of them, ſo they will, in all legal Methods, endeavour, 'to the utmoſt of their Power, to prevent them in future.

'Whereupon adviſed, That his Excellency renew his Or-'ders to his Majeſty's Juſtices of the Peace, Sheriffs, and o-'ther Peace Officers, to exert themſelves to the utmoſt for 'the Security of his Majeſty's Subjects, the Preſervation of 'Peace and good Order, and for preventing all Offences a-'gainſt the Law.'

On the 18th of February 1774, the whole Houſe of Repreſentatives waited on the Governor with a ſecond Petition, for the Removal of the Chief Juſtice, who had rendered himſelf incapable, by accepting a Salary from the Crown, at whoſe Will he alſo held his Place. They ſay, 'Your Excellency 'will pleaſe to conſider that this Houſe is well acquainted with 'the general Senſe of their Conſtituents in this Matter; and 'we can now aſſure you, that the Continuance of the Chief 'Juſtice in his Place, will increaſe the Uneaſineſs of the Peo-'ple without Doors, and endanger the public Tranquillity. 'We therefore earneſtly intreat your Excellency, that while 'we are in this Inſtance employing the Powers with which 'we are entruſted in promoting the Tranquillity and good 'Order of Government, "we may," agreeably to your De-'claration in your Speech to both Houſes, "find that you "are ready to give your Conſent to a Requeſt of the Houſe "intended for that and other great and important Purpoſes:" 'And that your Excellency will immediately take every Step 'for the Removal of the Chief Juſtice from the ſuperior 'Court.'

The Governor returned them a poſitive Denial, accompanied with a curious Piece of Equivocation. The Houſe had prayed that he would take the Advice of his Majeſty's Council upon their Petition, conformable to the Charter.—To which he anſwers, That though he was by Charter to act with the Advice and Aſſiſtance of his Council, yet the ſummoning of the Council was *in his Diſcretion*. Thus was the protective Proviſion of the Charter effectually evaded. This

This is a full and fair State of the Proceedings in and reſpecting the Province of the Maſſachuſetts Bay, from the Year 1762 to 1774.

The candid Reader will judge what Cauſes of Diſcontent have been given them, and whether they have operated beyond their natural Bounds. If they have been particularly unquiet, they have alſo been particularly irritated and injured. Imagining ourſelves in their Situation, will, I believe, prevent us from ſeverely cenſuring their Conduct.

It is manifeſt that they have conſtantly expreſſed their Complaints in Petitions conceived in the moſt meaſured Language of Subordination and Reſpect. That they have repeatedly acknowledged the ſupreme legiſlative Authority of Parliament. That the only Inſtance in which they ſeem to have queſtioned it, was in a mere ſpeculative Diſpute, purpoſely provoked by the Governor. That the conſtant Subject of their Complaint, has been the having their Money taken from them without their Conſent; the ſubſtituting a dependent Judge, bribed by being paid out of the Forfeitures, to determine in all Cauſes of Revenue, by the Rules of the Civil Law, and without a Jury; and the Violation of their Security in the due Adminiſtration of Government and of Juſtice, by rendering the Governor and Judges *totally* dependent on the Crown. That their Wiſh has been to return to the State in which they were before the paſſing theſe Laws and ſending theſe Inſtructions, and not to become independent of Great Britain. This appears not only from their repeated and authentic Declarations, but from Gogernor Hutchinſon's Letters. 'The Enemies of Government '(ſo is he pleaſed to ſtile the Council, the Houſe of Repre-'ſentatives, and the People) gave out, that their Friends in 'Parliament were increaſing, and all Things would be ſoon on 'the old Footing; in other Words, that all Acts impoſing 'Duties would be repealed, the Commiſſioners Board diſſolved, 'the Cuſtoms put on their old Footing, and illicit Trade be 'carried on with little or no Hazard.' The Malignity of this Reflection upon the People, will plainly appear from the following Declaration of Governor Bernard, whoſe Teſtimony in their favour will hardly be queſtioned. 'I do not pretend, 'ſays he, that this Province is *entirely* free from the Breach of 'thoſe Laws (of Trade), but only that ſuch Breach, if diſ-'covered, is *ſurely puniſhed.*' What more can be ſaid of the beſt Country upon Earth? Yet Governor Hutchinſon does not ſcruple to charge them with having been all Smugglers, and throw an Odium upon their ſtruggling for their Rights by the

Imputation

Imputation of their ſole Object being to renew that illicit Trade with Impunity.

It muſt alſo appear from their Proceedings, that their great Crime has been their Conſtancy in petitioning for Redreſs of Grievances; which has been attempted to be repreſſed, even by the moſt unjuſtifiable Means of refuſing them an Agent to vindicate them when miſrepreſented, and ſupport their Complaints. While this common Right of Juſtice is denied them, Perſons are notoriouſly hired here to load them in the Public Papers with every Species of Opprobrium, Falſhood, and Abuſe. There are two Things which deſerve the moſt particular Attention: 1ſt, That whenever Affidavits were taken on the Part of the People, they were taken in public, with Summonſes to all Perſons concerned to attend, and croſs-examine the Witneſſes: On the contrary, thoſe which were obtained by the Governor and Commiſſioners, accuſing the People, were made in ſecret, the Perſons accuſed unapprized and totally ignorant of the Proceedings, they were tranſmitted in ſecret, and the injured Perſons by mere Accidents, and after they had operated to their Hurt, had an Opportunity of ſeeing and refuting them. The Inſtances on both Sides will be found in the Affidavits taken on the Seizure of the Sloop *Liberty*, and the *Riot*, and in Mr. Oliver's Affidavit, and the Narrative of the Town, reſpecting the Maſſacre on the 5th of March. 2d, That the chief and almoſt only continual Witneſſes againſt the People are, the Governors Bernard and Hutchinſon: The former of whom has long laboured under an Accuſation upon Oath of groſs Corruption in his Office; the latter has been detected in the baſeſt Plot againſt their Liberties; and both are at open Enmity with the People, having been petitioned againſt by their Repreſentatives, as univerſally odious. How far the Repreſentations of Men ſo circumſtanced can be preſumed fair and impartial, or deſerve Credit, muſt be left to the candid to determine.

We have ſeen their Petitions either intercepted, or treated with a contemptuous Silence, or anſwered with the ſevereſt Cenſures. Seven Years Supplication has brought no Relief. And now, to fill up the Meaſure of their Misfortunes, their Port is ſtopt up, their Charter is to be ſubverted, and a lawleſs Army let looſe upon them. They have been tried, condemned and puniſhed, unheard and unapprized of the whole Proceedings. They are left to weep over their Apprehenſions, realized in the utter Subverſion of their Liberties. This Accumulation of Calamities is heaped upon them, becauſe high and ſtrong Reſentments, as they naturally muſt, have followed ſevere

ſevere and reiterated Injuries: Becauſe Diſcontent has ariſen from diſappointed and deſpiſed Complaints; and Violence from inſulted Diſcontent.

Whoever will take the Trouble of reading, in the Hiſtory of this moſt meritorious and unhappy People, the unparalleled Hardſhips with which they purchaſed thoſe Liberties we have now torn from them; and view the deplorable, the deſperate Situation, to which they are now reduced—however obdurate, however prejudiced he may be, he muſt think, at leaſt,

One human Tear may drop, and be forgiven.

FINIS.

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